

JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Justeen Moore

(b) County of Residence of First Listed Plaintiff Philadelphia County, PA  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

James R. Radmore, Esquire, The Radmore Firm, LLC, Two Penn Center, Suite 520, 1500 J.F.K. Blvd., Philadelphia, PA 19102

**DEFENDANTS**

Nationwide Mutual Insurance Company  
c/o CT Corporation System

County of Residence of First Listed Defendant Franklin County, OH  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Pamela A. Carlos, Esquire and Samantha D. Gioffre, Esquire  
Bennett, Bricklin & Saltzburg, LLC, 1601 Market Street, 16th Floor, Philadelphia, PA 19103

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding    ☒ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Sec. 1332, 1441 and 1446

Brief description of cause:

Breach of contract and bad faith pursuant to 42 Pa.C.S.A. 8371

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/21/2019

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

Samantha D. Gioffre

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff: 44 W. Queen Lane, Apt. 2, Philadelphia, PA 19144  
 Address of Defendant: One Nationwide Plaza, Columbus, OH 43215  
 Place of Accident, Incident or Transaction: Wayne and Maplewood Avenues, Philadelphia, Pennsylvania

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- |   |                              |  |
|---|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?   | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?             | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or with in one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?   | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 06/21/2019

Samantha D. Geffel  
 Attorney-at-Law / Pro Se Plaintiff

206840

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases  
 (Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☒ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases  
 (Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

*(The effect of this certification is to remove the case from eligibility for arbitration.)*

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

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- |  |                              |  |
|--|------------------------------|--|
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| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 06/21/2019

*Samantha D. Scarpino*  
 Attorney-at-Law / Pro Se Plaintiff

206840

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts  
☐ 2. FELA  
☐ 3. Jones Act-Personal Injury  
☐ 4. Antitrust  
☐ 5. Patent  
☐ 6. Labor-Management Relations  
☐ 7. Civil Rights  
☐ 8. Habeas Corpus  
☐ 9. Securities Act(s) Cases  
☐ 10. Social Security Review Cases  
☐ 11. All other Federal Question Cases  
 (Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☒ 1. Insurance Contract and Other Contracts  
☐ 2. Airplane Personal Injury  
☐ 3. Assault, Defamation  
☐ 4. Marine Personal Injury  
☐ 5. Motor Vehicle Personal Injury  
☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_  
☐ 7. Products Liability  
☐ 8. Products Liability – Asbestos  
☐ 9. All other Diversity Cases  
 (Please specify): \_\_\_\_\_

**ARBITRATION CERTIFICATION**

*(The effect of this certification is to remove the case from eligibility for arbitration.)*

I, \_\_\_\_\_, counsel of record or pro se plaintiff, do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Justeen Moore

CIVIL ACTION

v.

Nationwide Mutual Insurance Company  
c/o CT Corporation System

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

6/21/19

Date

*Samantha D. Gioffre*  
Attorney-at-law

Nationwide Mutual Insurance Company

Attorney for

215-561-4300

Telephone

215-561-6661

FAX Number

gioffre@bbs-law.com

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

JUSTEEN MOORE	:	
v.	:	CIVIL ACTION
NATIONWIDE MUTUAL INSURANCE COMPANY c/o CT CORPORATION SYSTEM	: : : : :	NO:

**NOTICE OF REMOVAL**

AND NOW, comes the defendant, Nationwide Mutual Insurance Company [hereinafter 'Defendant'], for the purpose only of filing this notice of removal of this case to the United States District Court for the Eastern District of Pennsylvania and respectfully avers as follows:

1. This is a civil action which was filed in the Court of Common Pleas of Philadelphia County, No. 190404819.

2. The complaint was filed in April 2019, reinstated on May 10, 2019 and served on defendant on May 23, 2019. This notice is being filed within thirty days of service of the complaint. A copy of the complaint is attached hereto as Exhibit "A."

3. Plaintiff is a citizen of the Commonwealth of Pennsylvania.

4. Nationwide Mutual Insurance Company is an Ohio Corporation with its principal place of business in Columbus, Ohio.

5. Defendant is a citizen of Ohio and plaintiff is a citizen of Pennsylvania. Complete diversity existed between the parties both at the time of the filing of the complaint and at the time of the filing of this notice of removal.

6. Plaintiff's complaint alleges breach of contract related to a claim for underinsured motorist benefits, as well as bad faith pursuant to 75 Pa.C.S.A. §8371.

7. The amount in controversy in this matter is in excess of Seventy-Five Thousand Dollars (\$75,000) exclusive of interest and costs, in that plaintiff claims that she sustained serious personal injuries, Count I of plaintiff's complaint seeks damages in the amount of \$50,000 plus attorney's fees, and Count II of plaintiff's complaint seeks damages in excess of \$50,000 plus attorney's fees.

8. Count II of the complaint alleges bad faith pursuant to the Pennsylvania Bad Faith Statute, 42 Pa. C.S.A. §8371. Ex. A, Count II.

9. Under the Bad Faith Statute the court may award interest, punitive damages and attorney's fees. 42 Pa. C.S.A. §8371.

10. Attorney's fees must be included in determining the amount in controversy. *Neff vs. General Motors Corp.*, 163 F.R.D. 478, 482 (E.D. Pa. 1995). It would not be unreasonable to expect that over the course of an approximate six month litigation, counsel could incur costs and fees in an amount approaching \$20,000.

11. Whether both actual and punitive damages are recoverable, punitive damages are also properly considered in determining whether the jurisdictional amount has been satisfied. *Bell vs. Preferred Life Assurance Soc'y*, 320 U.S. 238, 240, 88 L. Ed. 15, 64 S. Ct. 5 (1943).

12. In the event plaintiff is able to sustain a finding of bad faith, although the propriety of same is disputed by defendant, it would not be unreasonable to expect that a punitive damage award two to three times the amount in controversy could be rendered by the trier of fact.

13. Therefore, the amount in controversy exceeds \$75,000, and this action is properly removable on diversity grounds.

14. 28 U.S.C. §1446(b) provides that:

The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.

15. Defendant files this Notice of Removal pursuant to 28 U.S.C. §1446(b).

16. This notice of removal is being filed within 30 days of defendant's receipt of plaintiff's complaint.

17. The averments made herein are true and correct with respect to the date upon which plaintiff filed her complaint and the date upon which defendant received plaintiff's complaint and filed this notice of removal.


18. Defendant has simultaneously with the filing of this notice of removal given written notice to plaintiff.

19. Defendant is filing a copy of the instant Notice of Removal and all attachments thereto with the Prothonotary of the Court of Common Pleas of Philadelphia County.

WHEREFORE, Defendant Nationwide Mutual Insurance Company hereby removes this suit to this Honorable Court pursuant to the laws of the United States.

**BENNETT, BRICKLIN & SALTZBURG LLC**

**BY:**

  
**PAMELA A. CARLOS/ I.D. No. 56396**  
**SAMANTHA D. GIOFFRE/I.D. No. 206840**  
**1601 Market Street, 16<sup>th</sup> floor**  
**Philadelphia, PA 19103**  
**(215) 561-4300 – Telephone**  
**(215) 561- 6661 - Facsimile**  
**carlos@bbs-law.com /gioffre@bbs-law.com**  
**Attorney for Defendant**

\ **IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

JUSTEEN MOORE

v.

NATIONWIDE MUTUAL  
INSURANCE COMPANY c/o CT  
CORPORATION SYSTEM

:  
: CIVIL ACTION  
: NO:  
:


**NOTICE TO PLAINTIFF**

TO: Justeen Moore  
c/o James R. Radmore, Esquire  
The Radmore Firm, LLC  
Two Penn Center, Suite 520  
1500 J.F.K Blvd.  
Philadelphia, PA 19102

Please take notice that defendant, Nationwide Mutual Insurance Company by its attorneys Bennett, Bricklin & Saltzburg LLC, have filed a Notice of Removal in the United States District Court for the Eastern District of Pennsylvania regarding an action previously pending in the Court of Common Pleas of Philadelphia County, No. 190404819 captioned Justeen Moore v. Nationwide Mutual Insurance Company.

**BENNETT, BRICKLIN & SALTZBURG LLC**

BY:



**PAMELA A. CARLOS/ I.D. No. 56396  
SAMANTHA D. GIOFFRE/I.D. No. 206840  
1601 Market Street, 16<sup>th</sup> floor  
Philadelphia, PA 19103  
(215) 561-4300 – Telephone  
(215) 561- 6661 - Facsimile  
carlos@bbs-law.com /gioffre@bbs-law.com  
Attorneys for Defendant**



IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

JUSTEEN MOORE	:	
	:	CIVIL ACTION
v.	:	NO:
	:	
NATIONWIDE MUTUAL	:	
INSURANCE COMPANY c/o CT	:	
CORPORATION SYSTEM	:	

PROOF OF FILING

COMMONWEALTH OF PENNSYLVANIA :

COUNTY OF PHILDELPHIA :

Samantha D. Gioffre being duly sworn according to law, deposes and says that she is an associate in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for defendant, Nationwide Mutual Insurance Company and that she did direct the filing with the Prothonotary of the Court of Common Pleas of Philadelphia County a copy of the Notice of Removal attached hereto, said filing to be made on or about June 21, 2019.

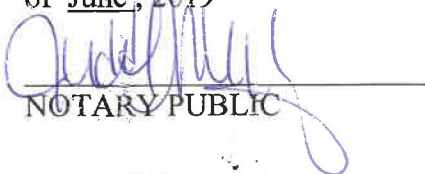
BENNETT, BRICKLIN & SALTZBURG LLC

BY:



PAMELA A. CARLOS/ I.D. No. 56396  
SAMANTHA D. GIOFFRE/I.D. No. 206840  
1601 Market Street, 16<sup>th</sup> floor  
Philadelphia, PA 19103  
(215) 561-4300 – Telephone  
(215) 561- 6661 - Facsimile  
carlos@bbs-law.com /gioffre@bbs-law.com  
Attorneys for Defendant

Sworn to and subscribed to  
me on this 21st day  
of June, 2019

  
NOTARY PUBLIC

Commonwealth of Pennsylvania – Notary Seal  
JUDITH MARTINEZ – Notary Public  
Philadelphia County  
My Commission Expires Oct 18, 2021  
Commission Number 1278782

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

JUSTEEN MOORE	:	
	:	CIVIL ACTION
v.	:	NO:
	:	
NATIONWIDE MUTUAL	:	
INSURANCE COMPANY c/o CT	:	
CORPORATION SYSTEM	:	

**PROOF OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA :

§


COUNTY OF PHILADELPHIA :

Samantha D. Gioffre, after being first duly sworn upon oath, deposes and says that she is an associate in the law firm of Bennett, Bricklin & Saltzburg LLC, attorneys for the defendant Nationwide Mutual Insurance Company, and that she did serve on June 21st, 2019 the aforementioned Notice to Plaintiff upon the individual named below via email.

Justeen Moore  
c/o James R. Radmore, Esquire  
The Radmore Firm, LLC  
Two Penn Center, Suite 520  
1500 J.F.K Blvd.  
Philadelphia, PA 19102

**BENNETT, BRICKLIN & SALTZBURG LLC**

BY:

  
PAMELA A. CARLOS / I.D. No. 56396  
SAMANTHA D. GIOFFRE / I.D. No. 206840  
1601 Market Street, 16<sup>th</sup> floor  
Philadelphia, PA 19103  
(215) 561-4300 – Telephone  
(215) 561- 6661 - Facsimile  
carlos@bbs-law.com / gioffre@bbs-law.com  
Attorneys for Defendant

Sworn to and subscribed to  
me on this 21st day  
of June, 2019

  
NOTARY PUBLIC

Commonwealth of Pennsylvania – Notary Seal  
JUDITH MARTINEZ – Notary Public  
Philadelphia County  
My Commission Expires Oct 18, 2021  
Commission Number 1278782

# EXHIBIT “A”

**THE RADMORE FIRM, LLC**  
**BY: JAMES R. RADMORE, ESQUIRE**  
**Identification: 36649**  
**Two Penn Center, Suite 520**  
**1500 J.F.K. Boulevard**  
**Philadelphia, PA 19102**  
**(215) 568-9900**



**Attorney for Plaintiff(s)**

<b>JUSTEEN MOORE</b>	:	<b>COURT OF COMMON PLEAS</b>
	:	<b>PHILADELPHIA COUNTY</b>
	:	
<b>vs.</b>	:	
	:	
	:	
<b>NATIONWIDE MUTUAL</b>	:	
<b>INSURANCE COMPANY</b>	:	<b>NO. 190404819</b>

**PRAECIPE TO REINSTATE CIVIL ACTION COMPLAINT**

**TO THE PROTHONOTARY:**

Kindly reinstate the Complaint in the above-captioned Civil Action for an additional thirty days.

**DATED: May 10, 2019**

vs James R. Radmore  
**JAMES R. RADMORE, ESQUIRE**  
**Attorney for Plaintiff(s)**



**MAJOR NON-JURY  
ASSESSMENT OF DAMAGES  
HEARING IS REQUIRED**



**THE RADMORE FIRM, LLC**  
**BY: JAMES R. RADMORE, ESQUIRE**  
**Identification: 36649**  
**Two Penn Center, Suite 520**  
**1500 J.F.K. Boulevard**  
**Philadelphia, PA 19102**  
**(215) 568-9900**  
**irr@radmore.net; msh@radmore.net**

**Attorney for Plaintiff(s)**

**JUSTEEN MOORE**  
**446 W. Queen Lane, Apt. 2**  
**Philadelphia, PA 19144**

**COURT OF COMMON PLEAS  
 PHILADELPHIA COUNTY**

**vs**

**TERM,**

**NATIONWIDE MUTUAL  
 INSURANCE COMPANY**  
**c/o CT Corporation System**  
**116 Pine Street**  
**Harrisburg, PA 17101**

**NO.**

**CIVIL ACTION COMPLAINT  
 CODE 1C CONTRACT  
 CODE 1J BAD FAITH**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

**PHILADELPHIA BAR ASSOCIATION  
 LAWYER REFERRAL AND INFORMATION SERVICE**  
 One Reading Center  
 Philadelphia, Pennsylvania 19107  
 Telephone: 215-238-6333  
 TTY: 215-451-6197

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta acentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la cortes puede decidir a favor del demandante y requiere que usted compla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros defechos importantes para usted. **LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL. ASOCIACION DE LICENCIADOS DE FILADELFA SERVICIO DE REFERENCIA E INFORMACION LEGAL**

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1. Plaintiff, Justeen Moore, is an adult individual residing at the above captioned address.

2. Defendant, Nationwide Mutual Insurance Company, is a Corporation authorized to do business in the Commonwealth of Pennsylvania with an office at the above captioned address.

3. On or about October 2, 2016 at or about 3:00 p.m., plaintiff, Justeen Moore, was the operator of a motor vehicle which was owned by Faith Moore which was stopped at a red traffic signal on Wayne Avenue with its intersection with Maplewood Avenue, Philadelphia, Pennsylvania when an underinsured motor vehicle struck plaintiff's vehicle causing serious personal injuries to plaintiff.

#### **COUNT I CONTRACT**

4. Plaintiff's vehicle was insured pursuant to a policy of insurance issued to Faith Moore, by defendant, Nationwide Mutual Insurance Company, Policy number 5837E922946.

5. Said accident was due to the negligence of the driver of the other vehicle involved in said accident.

6. The owner/operator of the negligent vehicle was underinsured.

7. In accordance with the requirements of the policy issued by defendant, Nationwide Mutual Insurance Company, plaintiff placed defendant on notice of a claim under the uninsured motorist coverage of said policy. A copy of said notice is attached hereto and marked Exhibit "A".

8. Pursuant to the terms of the policy and applicable statute, defendant was contractually bound to provide underinsured motorist coverage to plaintiff.

9. Despite demand, defendant has refused, and continue to refuse to negotiate with plaintiff to provide underinsured motorist coverage under its policy of insurance.

10. Defendants have breached the contract of insurance evidenced by policy number 5837E255327.

WHEREFORE, plaintiff, Justeen Moore, demands damages on said breach of contract claim in the amount of Fifty Thousand Dollars (\$50,000.00) plus interest, attorney fees and costs.

**COUNT TWO - BAD FAITH**

11. Plaintiff incorporates paragraph 1 through 10 by reference as fully as though same were herein set forth at length.

12. At all times relevant, defendant, Nationwide Mutual Insurance Company, was the insurance carrier responsible for providing motor vehicle insurance coverage to Justeen Moore and those properly covered under his policy of insurance.

13. Nationwide Mutual Insurance Company was responsible to provide underinsured motorist coverage to plaintiff under the policy of insurance issued Justeen Moore.

14. Nationwide Mutual Insurance Company has refused to negotiate settlement of the claim.

15. Nationwide Mutual Insurance Company, breached its duty of good Justeen and fair dealing in refusing to acknowledge said claim and negotiate possible settlement of the claim.

16. Said conduct was in violation of the requirement of good Justeen set forth at 42 Pa. C.S.A. § 8371.

17. As a result of the bad Justeen actions and violation of statute of defendant, they are liable to plaintiff for interest on the amount of the claim from the date the claim was made by plaintiff in an amount equal to the prime rate of interest plus 3%.

18. As a further result of the bad Justeen actions and violation of statute of defendant as hereinbefore set forth, defendant is liable to plaintiff for punitive damages.

19. As a further result of the bad Justeen actions and violation of statute of defendant as hereinbefore set forth, defendant is liable to plaintiff for court costs and attorney fees.

WHEREFORE plaintiff, Justeen Moore, demands judgment against defendant in an amount in excess of Fifty Thousand Dollars (\$50,000.00), plus costs, attorney fees and interest in the amount of the prime rate of interest plus 3%, as well as such damages for delay under Rule 238 as may be due and owing.

/s/James R. Radmore  
JAMES R. RADMORE, ESQUIRE  
Attorney for Plaintiff



**VERIFICATION**

JAMES R. RADMORE, ESQUIRE, hereby states that he is the attorney for the Plaintiff(s) in this action and verifies that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. 4940 relating to unsworn falsification to authorities.

/s/James R. Radmore  
JAMES R. RADMORE, ESQUIRE